

Akin Gump

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December 9, 2016

VIA ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: MDL 1358 / MTBE, *Commonwealth of Pennsylvania v. Exxon Mobil Corp., et al.*,
No. 1:14-cv-06228-VSB

Dear Judge Broderick:

I am writing to notify the Court of the precautionary measures that Akin Gump Strauss Hauer & Feld LLP has taken in light of its hiring of Jeffrey Latov as an associate in its New York office. Akin Gump is counsel of record for Lukoil Americas Corporation, Lukoil North America LLC, PJSC Lukoil, and Lukoil Pan Americas, LLC in the above-referenced litigation. Based on the circumstances described below, the firm has prohibited Mr. Latov from participating in its representation of its clients in the MTBE litigation. The firm has taken that step, consistent with the purpose of Section 1.12(d) of the New York Rules of Professional Conduct, to avoid any appearance of impropriety or conflict of interest.

Mr. Latov is a 2016 law school graduate. While he was in law school, and before he joined Akin Gump in the fall of 2016, he served as a law “fellow” in the chambers of the Honorable Shira A. Scheindlin from August 2015 through December 2015. The MTBE litigation was pending before Judge Scheindlin during that period. As a law fellow, Mr. Latov observed several hearings/status conferences in that litigation but otherwise did not participate in it. Notwithstanding Mr. Latov’s minimal involvement and Judge Scheindlin’s subsequent retirement, Akin Gump, out of an abundance of caution, established an ethical wall between Mr. Latov and the attorneys and staff working on the MTBE litigation.

Consistent with Rule 1.12(d), the ethical wall has a number of aspects, including a firm-wide memo that explains the circumstances, notifies firm personnel of the prohibition against Mr. Latov’s participation in the MTBE litigation, identifies by name the lawyers working on that litigation, instructs lawyers and staff working on the MTBE litigation to refrain from discussing the representation with Mr. Latov, and instructs the lawyers on the case to supervise the staff’s compliance with the ethical wall. In addition, the firm has implemented an electronic screen that denies Mr. Latov access to any documents in the MTBE litigation. Finally, Mr. Latov will be apportioned no fee in connection with the MTBE litigation.



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Akin Gump does not believe that Mr. Latov's exposure to the MTBE litigation during the several months he was a law fellow rises to the level of personal and substantial participation in the litigation. Nevertheless, Akin Gump has implemented the foregoing procedures in compliance with Rule 1.12(d) to assure the Court and the parties that Mr. Latov's employment with the firm will create no appearance of impropriety or conflict of interest.

I have advised Mr. Michael Axline, counsel for the plaintiffs, of this situation, and he responded that his clients do not object to the arrangement with Mr. Latov described in this letter.

If the Court has any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "James P. Tuite".

James P. Tuite

cc: All Counsel of Record (via LNFS)